
TITLE 326 AIR POLLUTION CONTROL DIVISION**CONTINUATION OF FIRST NOTICE OF COMMENT PERIOD**

LSA Document #09-363

ASBESTOS MANAGEMENT RULE REVISIONS**PURPOSE OF NOTICE**

A First Notice of Comment Period was published on June 3, 2009 in the Indiana Register (DIN: [20090603-IR-326090363FNA](#)) concerning amendments to [326 IAC 14-10](#) and [326 IAC 18](#) regarding the asbestos management. Due to the length of time since the First Notice of Comment Period, the Indiana Department of Environmental Management (IDEM) is providing this Continuation of First Notice of Comment Period so interested stakeholders have an opportunity to provide any additional comments on the subject matter and basic purpose of the rulemaking, including on issues that may have emerged since the original notice. Comments submitted to IDEM from the original comment period deadline will be considered to be received as part of the formal written comment period by IDEM.

IDEM is soliciting public comment on amendments to rules at [326 IAC 14-10](#) and [326 IAC 18](#) concerning asbestos management. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: June 3, 2009, Indiana Register (DIN: [20090603-IR-326090363FNA](#)).

CITATIONS AFFECTED: [326 IAC 14-10](#); [326 IAC 18](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#); [IC 13-17-3-12](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

The United States Environmental Protection Agency (U.S. EPA) identified asbestos as a hazardous air pollutant and promulgated the Asbestos National Emission Standards for Hazardous Air Pollution (NESHAP) in 40 CFR 61, Subpart M, on April 6, 1973. On March 6, 1974, Indiana submitted a request to U.S. EPA for delegation of authority to implement and enforce the NESHAP. Subsequently, U.S. EPA granted delegation of authority to Indiana, the notice of which was published in the Federal Register on September 30, 1976 (41 FR 43237).

In 1986, Congress enacted the Asbestos Hazard Emergency Response Act (AHERA) that mandated a regulatory program to address asbestos hazards in schools. AHERA required local education agencies to inspect their schools for asbestos-containing building material and prepare management plans to prevent or reduce asbestos hazards. AHERA also required U.S. EPA to develop an asbestos plan that provided for the training of persons performing asbestos-related work in schools and to obtain accreditation to demonstrate proficiency as a prerequisite for performing this work. Under AHERA, states are required to adopt a state accreditation program that is no less stringent than that described in the federal plan. In 1988, the Indiana Air Pollution Control Board (APCB) adopted [326 IAC 18](#), which incorporated the requirements of the federal plan by establishing training requirements and initiating a licensing program for those persons working in Indiana.

On November 28, 1990, Congress enacted the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) and expanded the accreditation procedures required for persons who work with asbestos-containing material in public and commercial buildings as well as schools. In turn, the APCB adopted standards for asbestos applicable to demolition and renovation operations at [326 IAC 14-10](#) and has amended these rules over time to update and clarify the existing requirements. In addition, the rules at [326 IAC 18](#) have been updated by the APCB to remain consistent with the underlying federal regulations. The authority to adopt air pollution control rules was transferred to the Environmental Rules Board in 2013.

IDEM is not substantively changing the subject matter and basic purpose of the rulemaking as published at DIN: [20090603-IR-326090363FNA](#). In this rulemaking, IDEM is proposing amendments to clarify and update Indiana's existing asbestos management program rules and to ensure consistency in the program. Proposed amendments include:

- clarification to the application, notification, and licensing procedures for the asbestos program;
- changing references from "accreditation" to "license" and "notification" to "notice";
- correcting obsolete or incorrect references;
- revising and adding definitions;
- revising the requirements for obtaining a duplicate asbestos license in [326 IAC 18-1-10](#);
- revising the requirements for the issuance of an asbestos license in [326 IAC 18](#); and

- making other clarifications, corrections, and revisions identified during the course of this rulemaking.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #09-363 Asbestos Revisions
Christine Pedersen
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

- (3) By electronic mail to cpederse@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than November 3, 2017. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Christine Pedersen, Rules Development Branch, Office of Legal Counsel (317) 233-5684 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

Posted: 10/04/2017 by Legislative Services Agency

An [html](#) version of this document.